

**F I L E D**

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MAR 26 2021

CLERK, U.S. DISTRICT COURT  
NORFOLK, VA

**UNITED STATES DISTRICT COURT**  
**for the**  
**Eastern District of Virginia**

United States of America	)	
v.	)	
	)	Case No. <u>2:21mj74</u>
Eric V. Von Bernewitz	)	
<i>Defendant</i>	)	

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court for the District of Columbia, 333 Constitution Ave NW, Washington, DC 20001 Via VTC on March 31, 2021 at 1:00 p.m.

*Date and Time*

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (✓) (5) The defendant promises to appear in court as required and surrender to serve sentence imposed.
- (✓) (6) The defendant executes a (\$ PERSONAL RECOGNIZANCE) Unsecured Bond binding the defendant to pay to the United States for failure to appear as required or surrender to serve any sentence imposed.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (*only if above is an organization*) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

*Custodian*

*Date*

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the United States Probation Office, telephone number 757-222-7300, no later than (date of release) TODAY.
- ( ) (b) continue or actively seek employment.
- ( ) (c) surrender any passport to: \_\_\_\_\_
- ( ) (d) not obtain a passport or other international travel document.
- (X) (e) abide by the following restrictions on personal association, residence, or travel: Travel restricted to Continental United States unless prior approval received from Probation.
- ( ) (f) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_
- ( ) (g) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- ( ) (h) not possess a firearm, destructive device, or other weapon.
- ( ) (i) not use alcohol ( ) at all ( ) excessively.
- ( ) (j) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ( ) (k) submit to testing for alcohol/prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- ( ) (l) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ( ) (m) participate in one of the following location restriction programs and comply with its requirements as directed.
- ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or
  - ( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
  - ( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- ( ) (n) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
- ( ) (o) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (X) (p) Defendant not to enter D.C. with exception of court appearances, attorney meetings or meetings with pretrial services.
- (X) (q) Defendant to advise Probation of any travel.
- (X) (r) Defendant to maintain weekly contact with Probation.
- (X) (s) Defendant directed to participate in all future court proceedings.
- ( ) (t) \_\_\_\_\_
- ( ) (u) \_\_\_\_\_
- ( ) (v) \_\_\_\_\_
- ( ) (w) \_\_\_\_\_
- ( ) (x) \_\_\_\_\_
- ( ) (y) \_\_\_\_\_
- ( ) (z) \_\_\_\_\_

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

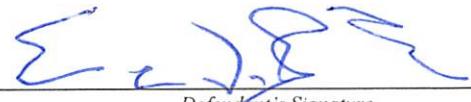
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

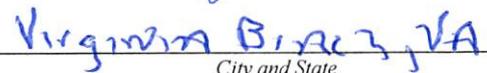
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature



City and State

**Directions to the United States Marshal**

- The defendant is ORDERED released after processing.
- The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: March 25, 2021

/s/  
 Lawrence R. Leonard  
 United States Magistrate Judge   
 Judicial Officer's Signature

UNITED STATES MAGISTRATE JUDGE  
*Title*

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL